

Remarks

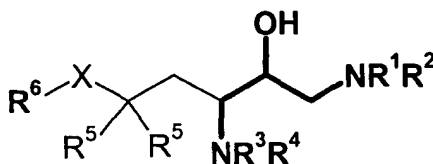
Further and favorable reconsideration is respectfully requested.

Initially, claims 10 and 11 have been amended in response to the Examiner's position concerning these claims at about the middle of page 3 of the Office Action, noting that these claims are drawn to "use" claims, thus being indefinite. In view of the amendments to claims 10 and 11, the objection to these claims as being indefinite has been rendered moot.

With regard to the amendment to claim 10, reference is made to the disclosure at the beginning of the third paragraph on page 22 of the specification.

Referring to item 3 beginning on page 2 of the Office Action, wherein the Examiner requires restriction among Groups I, II and IV (assumed to be III), Applicants hereby elect the subject matter of Group III, with traverse, based on the following considerations.

The instantly claimed compounds possess a significant structural element qualifying as the special technical feature that defines a contribution over the prior art. This significant structural element can be represented by the formula:



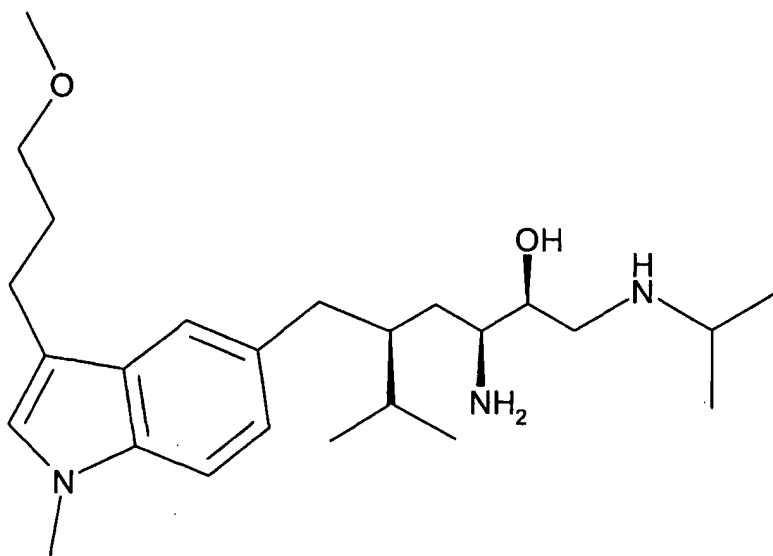
The most significant elements have been highlighted in bold. In short, the instantly claimed compounds show **two amino-functionalities** (NR^1R^2 and NR^3R^4) separated by three carbon atoms, whereby the middle carbon atom is substituted by an **OH-group**, and R^6 is a **cyclic radical** (as further defined in the claims).

Comparing the instantly claimed compounds with the structure of the prior art compounds cited by the Examiner in attempting to support lack of unity (CAS: 108:204491), it is evident that the prior art compound have nothing in common with the instantly claimed compounds. For the sake of additional clarity, it is pointed out that the prior art compounds show an **amino-carbonyl-fragment** (NR^2CO) located between

two cyclic radicals, and such a fragment is not present in the instantly claimed compounds.

For these reasons, Applicants take the position that there is unity of invention, and therefore, the restriction requirement is improper and should be withdrawn.

The Examiner has also required an election of a single species for search purposes, in response to which Applicants elect the compound of Example 3A on page 63 of the specification, which has the following chemical structure:



All of claims 1-12 read on the elected species.

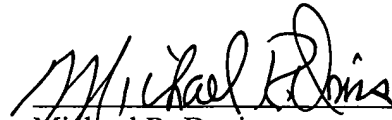
Applicants emphasize that the foregoing elections are made while reserving their rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter, although as noted above, Applicants maintain their position that the restriction requirement is improper and should be withdrawn.

Action on the merits is requested.

Respectfully submitted,

Peter HEROLD et al.

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", is written over a horizontal line.

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